

**CITY HALL
CEDAR FALLS, IOWA, JUNE 17, 2024
REGULAR MEETING, CITY COUNCIL
MAYOR DANIEL LAUDICK PRESIDING**

The City Council of the City of Cedar Falls, Iowa, met in Regular Session, pursuant to law, the rules of said Council and prior notice given each member thereof, at 7:00 P.M. on the above date. Members present: Schultz, Latta, Kruse, Hawbaker, Crisman (via Zoom), Dunn. Absent: Ganfield. Mayor Laudick led the Pledge of Allegiance.

54822 - It was moved by Kruse and seconded by Latta that the minutes of the Regular Meeting of June 3, 2024 be approved as presented and ordered of record. Motion carried unanimously.

54823 - Carrie Sherwood, Dike, commented on public forum time extension and concern with the delay in discussion and action on retroactive policy.

Rick Sharp, Cedar Falls, thanked staff for their quick response to concerns about yard waste. Sharp expressed concern regarding dates and hours of allowed fireworks use and asked about enforcement. Police Chief Howard, Mayor Laudick, and Councilmember Schultz commented.

54824 - Mayor Laudick announced the City Fireworks show at the UNI Dome on June 27, 2024 at 9:30/9:45 PM.

54825 - Mayor announced that this was the time and place for a hearing on a complaint issued to MT Tanks, LLC, d/b/a Panther Travel Center, 1525 West Ridgeway Avenue, for a first tobacco violation. Assistant City Attorney McMahon provided background on the tobacco complaint. There being no one else present wishing to speak, the Mayor declared the hearing closed and passed to the next order of business.

It was moved by Dunn and seconded by Latta to approve and authorize execution of an Order Assessing Penalty relative to a First Tobacco Violation regarding MT Tanks, LLC, d/b/a Panther Travel Center, 1525 West Ridgeway Avenue. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, and Dunn. Nay: None. Motion carried.

54826 - Mayor Laudick announced that in accordance with the public notice of June 11, 2024, this was the time and place for a public hearing on the proposed rezoning from M-1, Light Industrial District, to C-2, Commercial District, of properties located at 2216 main Street and 127 East 23rd Street. It was then moved by Kruse and seconded by Dunn that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

54827 - The Mayor then asked if there were any written communications filed to the project. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Services Manager Howard provided an update on the property. There being no one else present wishing to speak about the property, the Mayor declared the hearing closed and passed to

the next order of business.

- 54828 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3069, amending the Zoning Map by removing real estate located at 2216 Main Street and 127 East 23rd Street, Commercial District, be passed upon its first consideration. Following due consideration by the Council, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried.
- 54829 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3059, amending the Zoning Map by removing real estate located at 2300 Main Street from M-1, Light Industrial District, to C-2, Commercial District, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3059 duly passed and adopted.
- 54830 - It was moved by Kruse and seconded by Schultz that Ordinance #3060, vacating certain public right-of-way of an alley between Longview Street and Cedar Street, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3060 duly passed and adopted.
- 54831 - It was moved by Latta and seconded by Kruse that Ordinance #3061, amending Chapter 1, General Provisions, of the Code of Ordinances relative to the general penalty for simple misdemeanors, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3061 duly passed and adopted.
- 54832 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3062, amending Chapter 2, Administration, of the Code of Ordinances relative to approval of bills and claims against city, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3062 duly passed and adopted.
- 54833 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3063, amending Chapter 5, Alcoholic and Malt Beverages, of the Code of Ordinances relative to location and operation – generally and Chapter 17, Parks and Recreation, of the Code of Ordinances relative to noxious weeds prohibited; exceptions, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta,

Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3063 duly passed and adopted.

- 54834 - It was moved by Kruse and seconded by Schultz that Ordinance #3064, amending Chapter 10, Garbage and Refuse, of the Code of Ordinances relative to the use of city collection service, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3064 duly passed and adopted.
- 54835 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3065, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to disorderly conduct - generally, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3065 duly passed and adopted.
- 54836 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3066, amending Chapter 18, Planning, of the Code of Ordinances relative to powers and duties, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3066 duly passed and adopted.
- 54837 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3067, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to general passing, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3067 duly passed and adopted.
- 54838 - It was moved by Kruse and seconded by Dunn that Ordinance #3068, amending Chapter 6, Animals, of the Code of Ordinances relative to impoundment of dogs, cats or poultry running at-large, redemption of impounded animals, permitting dog, cat, or poultry to run at-large, disposition of impoundment animals and destruction of animal; appeal, be passed upon its second consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried.
- 54839 - It was moved by Kruse and seconded by Hawbaker that the following items on the Consent Calendar be received, filed, and approved:

Receive and file the City Council Work Session minutes of June 3, 2024 relative

to the following item:

- a) Residential Incentives & Draft Policy.

Receive and file the City Council Committee of the Whole minutes of June 3, 2024 relative to the following item:

- a) Grow Cedar Valley Update.

Approve the following recommendation of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Crystal Waltz, Human Rights Commission, term ending 07/01/2027.
- b) Tyler Ingham, Human Rights Commission, term ending 07/01/2027.
- c) Madeleine Seymour, Human Rights Commission, term ending 07/01/2027.
- d) Stephanie Houk Sheetz, Metropolitan Transit Board, term ending 6/30/2027.

Receive and file communication from the Civil Service Commission relative to the following certified lists:

- a) Administrative Supervisor.
- b) Public Safety Officer.

Approve a request by Cedar Falls Utilities for a temporary variance from Section 15-83 of the Code of Ordinances, Prohibited noises generally, to allow painting of a water tower to occur on Sundays.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) B&B West, 3105 Hudson Road.
- b) Bani's, 2128 College Street.
- c) Buzz Smoke & Vapor, 2125 College Street, Suite A.
- d) Cloud 9 Glass & Novelty, 2125 College Street, Suite C.
- e) Dollar General #14412, 2921 Center Street.
- f) Dollar General #21239, 1922 Valley Park Drive.
- g) Fleet Farm Fuel, 108 West Ridgeway Avenue.
- h) Great Wall Chinese Restaurant, 2125 College Street, Suite D.
- i) Kwik Spirits #561, 4116 University Avenue, Suite 104-105.
- j) Kwik Star #490, 7500 Nordic Drive.
- k) Kwik Star #726, 2019 College Street.
- l) Kwik Star #934, 4515 Coneflower Parkway.
- m) Mini Mart, 1420 West 1st Street.
- n) Pheasant Ridge Golf Course, 3205 West 12th Street.
- o) Posh Smoke and Vape, 6322 University Avenue, Suite L.
- p) Prime Mart, 2728 Center Street.
- q) Prime Vapor and Tobacco, 2323 Main Street.
- r) Suds, 2223 1/2 College Street.
- s) Thunder Ridge Ampride, 2425 Whitetail Drive.
- t) Walgreens #10557, 2509 Whitetail Drive.

Approve the following applications for retail alcohol licenses:

- a) Dollar General Store, 2921 Center Street, Class B retail alcohol - renewal.
- b) King Star, 2228 Lincoln Street, Class B retail alcohol - renewal.
- c) Kwik Star, 2019 College Street, Class B retail alcohol - renewal.
- d) Kwik Star, 7500 Nordic Drive, Class B retail alcohol - renewal.
- e) Amvets, 1934 Irving Street, Class F retail alcohol & outdoor service - renewal.
- f) Cindy Lou's BBQ, 6607 University Ave, Class C retail alcohol & outdoor service

- renewal.

g) George's Local, 108 E. 4th Street, Class C retail alcohol & outdoor service - renewal.

h) Hy-Vee Food Store, 6301 University Avenue, Class E retail alcohol - renewal.

i) Texas Roadhouse, 5715 University Avenue, Class C retail alcohol - change in ownership.

Motion carried unanimously.

54840 - It was moved by Latta and seconded by Hawbaker that the following resolutions be introduced and adopted:

Resolution #23,662 approving and adopting the City's FY2025 Appropriations Resolution.

Resolution #23,663 approving and adopting the City's FY2025 Payroll Resolution.

Resolution #23,664 approving and adopting the City's FY2025 Fee Schedule.

Resolution #23,665 reallocating American Rescue Plan Act (ARPA) Allocation relative to providing continued relief from the public health and economic impacts of the COVID-19 public health emergency.

Resolution #23,666 approving and authorizing execution of a Client Authorization to Bind Coverage relative to renewal of the City's Public Entity Insurance for FY2025.

Resolution #23,667 approving and authorizing the expenditure of funds for the purchase of Glock 26 Pistols with Trijicon SRO2 Optic firearms for the Public Safety Department.

Resolution #23,668 approving and accepting Bulletproof Vest Partnership (BVP) grant funding from the U.S. Department of Justice relative to replacement of police ballistic vests.

Resolution #23,669 approving and authorizing execution of a Contract for towing, wrecker, and storage services with Rasmusson Towing.

Resolution #23,670 approving and authorizing execution of a Contract for towing, wrecker, and storage services with Valley Wide Towing & Recovery Inc.

Resolution #23,671 approving and authorizing execution of an Agreement with Thad Peck relative to providing a Breathwork Workshop at the Recreation Center.

Resolution #23,672 approving and authorizing execution of an Agreement with Eden+ Nonprofit Fundraising Consulting relative to the Hearst 2.0 Fundraising Feasibility Study.

Resolution #23,673 approving and authorizing execution of an Iowa Economic Development Authority Certified Local Government (CLG) Program Grant Agreement with the State Historic Preservation Office (SHPO) relative to the

Overman Park Neighborhood.

Resolution #23,674 approving and accepting Four Warranty Deeds in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,675 approving and authorizing execution of a Professional Service Agreement with Foth Infrastructure & Environment, LLC relative to the Highway 57 & Union Road Intersection Improvements Project.

Resolution #23,676 approving and authorizing execution of a Predesign Agreement for Primary Road Project with the Iowa Department of Transportation (IDOT) relative to the Highway 57 & Union Road Intersection Improvements Project.

Resolution #23,677 approving and accepting the contract and bond of Blacktop Service Co. for the 2024 Seal Coat Project.

Resolution #23,678 approving and authorizing execution of Supplemental Agreement No. 4 to the Professional Service Agreement with AECOM Technical Services, Inc. for design services relative to the North Cedar Heights Area Reconstruction Project – Phase III.

Resolution #23,679 setting July 1, 2024 as the date of public hearing on a proposal to undertake a public improvement project for the Katoski Drive Box Culvert Replacement Project, and to authorize acquisition of private property for said project.

Resolution #23,680 setting July 1, 2024 as the date of public hearing on a proposal to undertake a public improvement project for the South Main Street Sanitary Sewer Extension Project, and to authorize acquisition of private property for said project.

Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,662 through #23,680 duly passed and adopted.

- 54841 - It was moved by Dunn and seconded by Latta that Resolution #23,681, approving and authorizing execution of an Employment Agreement with the City Administrator, be adopted. Following comments and responses by Mayor Laudick and Councilmember Schultz, it was moved by Kruse to move the discussion to a future Executive Session. Following comments by Mayor, City Attorney Rogers, and Councilmember Kruse the motion failed for lack of a second. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Hawbaker, Crisman, Dunn. Nay: Kruse. Motion carried. The Mayor then declared Resolution #23,681 duly passed and adopted.
- 54842 - It was moved by Dunn and seconded by Hawbaker that Resolution #23,682, approving and authorizing execution of an Administrative Services Agreement with Wellmark Blue Cross and Blue Shield of Iowa, Wellmark Health Plan of Iowa, Inc., relative to the City's FY2025 Employee Health Plan, be adopted.

Following comments by Rick Sharp, Cedar Falls, and responses by the Mayor, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,682 duly passed and adopted.

- 54843 - It was moved by Dunn and seconded by Hawbaker that Resolution #23,683, approving a Stop Loss Policy with Wellmark, Inc. relative to the City's FY2025 Employee Health Plan, be adopted. Following due consideration by the Council, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,683 duly passed and adopted.
- 54844 - It was moved by Latta and seconded by Hawbaker that Resolution #23,684, approving and authorizing the expenditure of funds for the purchase of fencing relative to the Orchard hill pickleball Court Expansion project, be approved. Following comments by Councilmembers Kruse, Schultz, Dunn, Hawbaker and Rick Sharp, Cedar Falls, and responses by Community Development Director Sheetz, Mayor Laudick, and City Administrator Gaines, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,684 duly passed and adopted.
- 54845 - It was moved by Kruse and seconded by Dunn that Ordinance #3070, amending Chapter 10, Garbage and Refuse, of the Code of Ordinances relative to containers; placement for collection; penalty of violation and service charges - established, be passed upon its first consideration. Following due consideration by the Council, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried.
- 54846 - It was moved by Kruse and seconded by Dunn that the bills and claims of June 17, 2024 be allowed as presented, and that the Controller/City Treasurer be authorized to issue City checks in the proper amounts and on the proper funds in payment of the same. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: None. Motion carried.
- 54847 - It was moved by Kruse and seconded by Latta that the meeting be adjourned at 7:42 P.M. Motion carried unanimously.

Kim Kerr, CMC, City Clerk